



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,037	03/11/2004	Vincent P. Walker	00216-667001 / Case 8137	6724
26161 7590 12/27/2006 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/799,037

Applicant(s)

WALKER, VINCENT P.

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The examiner incorrectly restricted the claims 1-26 in the restriction filed 3/8/2006, as there is only one-way distinctness between each of the claimed products. Claims 1-13, and 24-26 have been rejoined to the application.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shaving cartridge being permanently connected to the handle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13, and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 24 recite the limitation "the normal pivot angle" in the last line of each claim. There is insufficient antecedent basis for this limitation in each of the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Apprille et al (U.S Patent No. 5,813,293), hereinafter Apprille.

Apprille teaches (see Figures 4, and 16-18) a shaving cartridge comprising a housing (16) with more with multiple shaving blades (18) located between front and rear portions of the housing. A connecting member (24) is pivotally connected to the housing via connecting arm (28) terminal portions located at the end of each arm. The connecting member has a U-shaped load-bearing surface (forward portion of member

72 in Figure 16) that contacts the housing only when the housing is pivoted beyond a normal pivot angle, which in this case is zero degrees, as the shaver normally rests in an unbiased position. The normal pivot angle is defined by opposed stop surfaces, which consist of surface (162) of the housing and the rear portion of the arm (72). There is an opening (130) in the connecting member designed to receive a handle interconnect assembly for connecting the cartridge to a handle (12). A guard element (20) is formed on the housing (16) preceding the blades.

6. Claim 1, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Coffin (U.S Patent No. 6,442,850).

Coffin teaches (see Figures 6 and 7) a detachable shaving cartridge comprising a housing (1) with two shaving blades located between front and rear edges of the housing (1). A connecting member (25) is pivotally connected to the handle and has a load bearing surface (top of member 25) which is arranged to contact the housing (1) only when the housing is pivoted beyond a limit angle that is greater than a normal pivot angle. The normal pivot angle is defined by the angle represented by the degrees in which the sub-seat (14) and the housing (1) rotate together, and the limit angle is defined by the degrees after the housing (1) rotates relative to the sub-seat (14) after the sub-seat (14) has completed rotating with the housing (1) and maintained angle (B) between the two (Col. 5, lines 45-67, Col. 6, lines 5-8).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3724

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coffin.

Coffin teaches all of the elements of the current invention as stated above except the normal pivot angle being between 35 and 45 degrees, more specifically about 41 degrees. Coffin further fails to teach the limit angle being greater than 41 degrees, more specifically between about 41.5 and 45 degrees.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to create a normal pivot angle between 35 and 45 degrees but more specifically about 41 degrees, and a limit angle greater than 41 degrees, but more specifically between about 41.5 and 45 degrees because discovering the optimal pivot angles would have been a mere design consideration based on the desired amount of pivot available to provide a comfortable shave and the spring coefficient of the springs used. Such a modification would have involved only routine skill in the art to accommodate the aforementioned requirements. It has been held that when the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or values involves only routine skill in the art.

9. Claims 12-14, 22, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apprille in view of Rozenkrank (U.S. Patent No. 6,276,061).

Art Unit: 3724

Aprille teaches all of the elements of the current invention as stated above except a trimming assembly comprising a trimming blade connected to the cartridge housing.

Rozenkrank teaches (see Figures 3 and 3a) attaching a trimming assembly with a trimming blade to a cartridge housing.

It would have been obvious to have modified Aprille to incorporate the teachings of Rozenkrank to provide a trimming assembly to the housing of the cartridge. The trimming assembly would be limited in rotation by the opposing stop surfaces of Aprille as the forward portion of the connecting member would come in contact with the surface of the housing at the limit angle and stop the rotation of the housing relative to the connecting member. Providing the trimming assembly would make it easier for a user to trim delicate places such as sideburns.

10. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Aprille, as stated in section 9.

Aprille teaches all of the elements of the current invention as stated above except teach the limit angle being greater than 41 degrees, more specifically between about 41.5 and 45 degrees.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to create a limit angle greater than 41 degrees, but more specifically between about 41.5 and 45 degrees because discovering the optimal pivot angles would have been a mere design consideration based on the desired amount of pivot available to provide a comfortable shave as well an optimal trimming angle for the

Art Unit: 3724

trimming blade with respect to a users face. Such a modification would have involved only routine skill in the art to accommodate the aforementioned requirements. It has been held that when the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or values involves only routine skill in the art.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Apprille.

Apprille teaches all of the elements of the current invention as stated above except the shaving cartridge being permanently attached to the handle.

The examiner takes official notice that the permanently attaching a shaving cartridge is old and well known in the art and it would have been obvious to modify Apprille to permanently connect the shaving cartridge to the handle to make the manufacturing of the shaver easier as well as cheaper, because the entire shaving apparatus could be made to be disposable and disposable apparatuses are generally made a cheaper products that are easier to manufacture.

#### ***Allowable Subject Matter***

12. Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18 and 19 are allowable because there is no teaching to create the normal pivot angle of Apprille anything but zero degrees.

#### ***Response to Arguments***



Art Unit: 3724

13. Applicant's arguments with respect to claims 14, and 18-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Apprille et al '851 (U.S Patent No. 5,956,442) teaches a connecting member with a hole in it for the purpose of connecting a handle. Pina (U.S Patent No. (6,223,442), Andrews (U.S Patent No. 6,161,288), and Coffin (U.S Patent No. 6,560,881) teach a shaving apparatuses with surfaces capable of preventing over-rotation of a shaving head.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL

12/18/2006



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER